

AMNESTY INTERNATIONAL

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Time for Justice: Egypt's corrosive system of detention

RECOMMENDATIONS

Amnesty international calls on the Egyptian authorities to:

Lift the state of emergency

- End immediately the state of emergency and repeal all provisions of the Emergency Law;
- Publish the number of people who were held in administrative detention, the specific allegations against them as well as the number of detention orders issued against them;
- Abolish the system of administrative detention, repeal all legislative provisions that enable it, and end all use of indefinite detention without criminal trial;
- Release anyone still believed to be detained under the Emergency Law for whom release orders have been issued by a competent court;
- Immediately and unconditionally release all prisoners of conscience, that is anyone deprived of their liberty solely for the peaceful exercise of their rights of freedom of thought, conscience, religion, opinion or expression;
- Ensure that any new legislation and the new Constitution, does not entrench the practices that have facilitated human rights abuses under the state of emergency, including indefinite detention without criminal trial and ensure transparent and broad-based consultation and review of the law, which includes national and international civil society;
- Seek the repeal of all legislation that purport to give sweeping powers of arrest to the police and allow the executive authorities to bypass ordinary courts and refer people suspected of terrorism to military and special courts.

End impunity and rein in the security forces

- Carry out an independent, impartial and comprehensive investigation into all allegations of abuses against detainees and their families by the SSI and other security forces, including of torture and other ill-treatment, denial of visits and adequate medical care; make its findings public; and hold those responsible to account;
- Take all appropriate criminal or administrative measures against officials who fail to comply with safeguards against human rights abuses;
- Ensure that no member of the security apparatus is allowed to act above the law;
- Undertake a fundamental overhaul of all the security and law enforcement bodies, and make public a clear structure of the various security branches with a clear chain of command;
- Establish an oversight body which is able to hold the security forces to account for abuses. Such a body should have an independent, effective, and impartial complaints mechanism which can deal with complaints about security forces' misconduct, including human rights violations. The independent security forces complaints mechanism should have independent investigation teams, to deal specifically with complaints against or involving the security forces;
- Immediately establish an independent, thorough and impartial inquiry into human rights abuses committed by the SSI under the rule of Hosni Mubarak. The investigation should be provided with sufficient resources to accomplish all its tasks effectively and promptly, and have powers to gain access to all relevant documents, other evidence and persons. The investigation's findings should include recommendations aimed at ending and preventing further human rights abuses and at ensuring justice, truth and full reparation for the victims, including restitution, rehabilitation, compensation, satisfaction and guarantees of

non-repetition. Amnesty International is prepared to make its archive of human rights reports available to the Egyptian authorities to assist in any such investigation.

Provide adequate reparation:

- Implement – without delay and with full respect – court rulings ordering the payment of compensation for detainees and their families for unlawful detention and other human rights violations suffered in detention;
- Provide victims of human rights violations with financial compensation and other forms of reparation that are appropriate and proportional to the gravity of the violation and the circumstances of their case.

Take all necessary measures to improve prison conditions, including by:

- reducing overcrowding and providing adequate food and medical care, in accordance with the Standard Minimum Rules for the Treatment of Prisoners and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment; and
- adopting a mechanism that provides for the mandatory conduct of independent, unrestricted and unannounced visits to all places of detention (which include confidential interviews with any detainees of the visiting body's choice), including any national security and military installations involved in counter-terrorism that have been identified as being used for detentions.

Strengthen protection during detention by:

- ending immediately the use of incommunicado detention;
- ensuring officers carrying out arrests identify themselves to those arrested and notify them in writing of the reasons for the arrest, the authority ordering the arrest, and the place where they will be detained;
- ensuring that the families of those detained are informed promptly of the place of detention of their relatives, and any subsequent transfers to other places of detention, without delay;
- ensuring that all detainees are able to exercise their right to be examined by an independent doctor as soon as they are arrested and after each period of questioning; and monitoring the quality of medical reporting;
- ensuring that all detainees are brought before a judge within 24 hours of arrest;
- ensuring that all detainees can exercise their right to consult a lawyer of their choice in private, and to have a lawyer present during questioning and the making of statements, from the outset of detention and throughout the period in custody;
- Taking immediate steps to end torture and other ill-treatment including investigating all allegations of such abuse and bringing the perpetrators to justice;
- Modifying the definition of the crime of torture in Egyptian law to make it comply fully with the definition in Article 1(1) of the UN Convention against Torture. All forms of cruel, In-human or degrading treatment or punishment should be explicitly prohibited. It should be made clear that the prohibition is absolute and must not be suspended under any circumstances, including during a state of war or other public emergency;
- Keeping under systematic review interrogation rules, instructions, methods and practices with a view to preventing any cases of torture or ill-treatment, in line with the provisions of the UN Convention against Torture.
- **Ratify without reservations, and fully implement in practice:**
- The Optional Protocol to the UN Convention against Torture;
- The International Convention for the Protection of All Persons from Enforced Disappearance, including accepting the competence of the Committee under Articles 31 (receipt of individual complaints) and 32 (inter-state complaints).